

902 KAR 50:010. Definitions for milk and milk products.

RELATES TO: KRS 217.025, 217C.010-217C.990, 21 C.F.R. Part 113, Subpart B

STATUTORY AUTHORITY: KRS 194.050, 211.090

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Human Resources is directed by KRS 217C.040 to regulate the production, transportation, processing, handling, sampling, examination, grading, labeling, standards of identity, sale and other matters relating to milk and milk products as may be necessary to protect the public health. This administrative regulation defines terms applicable to all milk and milk product administrative regulations in 902 KAR 50:050.

Section 1. Definitions for Milk and Milk Products Administrative Regulations. As used in all administrative regulations of the Cabinet for Human Resources relating to milk and milk products the following definitions shall apply unless specifically indicated otherwise:

(1) "Adulterated milk and milk products" means any milk or milk product adulterated as provided by KRS 217.025.

(2) "Aseptic processing" means a milk product that has been subjected to sufficient heat processing, and packaged in a hermetically sealed container, to conform to the applicable requirements of 21 Code of Federal Regulations, Subpart B, Food for Human Consumption, Part 113, and maintain the commercial sterility of the product under normal nonrefrigerated conditions.

(3) "Butter" means the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter, and containing not less than eighty (80) percent by weight of milk fat, all tolerances having been allowed for; provided the labeling of butter shall not be deemed misbranded if it does not bear a statement relating to artificial coloring.

(4) "Cabinet" means the Cabinet for Human Resources.

(5) "Certified sample collector" means an employee of the department, fieldman or milk hauler who has been approved to collect milk samples for regulatory purposes.

(6) "C-I-P" or "cleaned-in-place" means the procedure by which sanitary pipeline or pieces of dairy equipment are mechanically cleaned-in-place by circulation.

(7) "Culinary steam" means steam used in contact with milk or milk products which is produced according to "Recommended Practices for Producing Culinary Steam for Processing Milk and Milk Products", National Association of Dairy Equipment Manufacturers, 1012 14th Street, N.W., Washington, D.C. 20036.

(8) "Dairy farm" means a place where one (1) or more milking cows or goats are kept, a part or all of the milk produced thereon being delivered, sold, or offered for sale to a dairy, plant, receiving station or transfer station.

(9) "Milk or dairy plant, receiving station or company" means any place, premises or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, aseptically processed, packaged or prepared for distribution.

(10) "Department" means the Department for Health Services.

(11) "Fieldman" means a person employed by a milk company who is qualified and trained in sanitary methods of production and handling of milk and who performs dairy farm quality control work. (A "fieldman" shall not be considered an agent of the department.)

(12) "Goat milk" means the lacteal secretion, practically free from colostrum, obtained by the complete milking of healthy goats.

(13) "Grade A milk and milk products" means milk and milk products produced, processed, transported and distributed in accordance with the department's Grade A milk administrative regulations. It includes but is not limited to the following:

(a) Acidified sour cream;

- (b) Acidified sour half and half;
- (c) Buttermilk;
- (d) Chocolate milk;
- (e) Chocolate lowfat milk;
- (f) Chocolate skim milk;
- (g) Concentrated milk;
- (h) Cottage cheese, lowfat cottage cheese, cottage cheese dry curd;
- (i) Cultured buttermilk;
- (j) Cultured milk;
- (k) Cream;
- (l) Eggnog;
- (m) Half and half;
- (n) Heavy cream;
- (o) Light cream;
- (p) Light whipping cream;
- (q) Lowfat milk;
- (r) Milk;
- (s) Skim milk;
- (t) Sour cream;
- (u) Sour half and half;
- (v) Yogurt, lowfat yogurt and nonfat yogurt;
- (w) Acidified milk;
- (x) Concentrated milk;
- (y) Sweetened condensed milk;
- (z) Sweetened condensed skim milk;
- (aa) Lowfat dry milk;
- (bb) Nonfat dry milk;
- (cc) Nonfat dry milk fortified with vitamins A and D;
- (dd) Evaporated milk;
- (ee) Evaporated skimmed milk;
- (ff) Acidified lowfat milk;
- (gg) Cultured lowfat milk;
- (hh) Acidified skim milk;
- (ii) Cultured skim milk;
- (jj) Dry whole milk; and
- (kk) Dry cream.

(14) "Grade A dry milk products" means milk products which have been produced for use in Grade A pasteurized milk products and which have been manufactured under the provisions of the "Grade A Condensed and Dry Milk Products - and Condensed and Dry Whey, Supplement to the Grade A Pasteurized Milk Ordinance recommended by the United States Public Health Service, Food and Drug Administration."

(15) "Handler," "distributor" or "retailer" means any association, organization, person or other group that offers for sale, sells or otherwise handles milk or milk products.

(16) "Imitation milk products" mean a milk, cheese, frozen dessert or other milk product for which the nutritional equivalency is inferior to the product it simulates.

(17) "Inspector" means an employee of the department who is qualified, trained, and authorized to perform dairy farm or plant inspections, or both, to grade raw milk, to evaluate quality control programs of milk plants and carry out the enforcement procedures of the department's administrative regulations relating to milk and milk products.

(18) "Low calorie" means any milk, milk product, cheese or frozen dessert which contains no more than forty (40) calories per serving.

(19) "Manufacturing milk and milk products" means milk and milk products produced, processed, transported and distributed in accordance with the department's manufacturing milk administrative regulations. It includes but is not limited to the following:

- (a) Butter;
- (b) Cheeses, processed cheeses, cheese foods, cheese spreads and related foods;
- (c) Evaporated milk;
- (d) Frozen desserts;
- (e) Sweetened condensed milk and any other manufactured milk or milk product as may be designated by the department.

(20) "Mechanical cleaning" or "mechanically cleaned" means cleaning, solely by circulation or flowing chemical detergent solutions and water rinses onto and over the surface to be cleaned by mechanical means.

(21) "Milk grader" means a person who is qualified for the grading of raw milk in accordance with quality standards and procedures. (For the purpose of grading and sampling milk, a "milk grader" may be considered a duly authorized agent of the department.)

(22) "Milk hauler" means any person who transports milk or raw milk products to or from a milk plant, receiving station or transfer station. For the purpose of collecting official samples of raw milk, a "milk hauler" may become a certified sample collector and a duly authorized agent of the department.

(23) "Milk producer" means any person who operates a dairy farm and provides, offers for sale or sells raw milk to a milk plant, receiving station, transfer station or handler.

(24) "Milk product substitute" means milk, cheese, frozen dessert or other milk products which possess similar physical and organoleptic properties to the product simulated and the fat and solids-not-fat content meets the standard of identity of the counterpart product but whose ingredients have been replaced all or in part with safe and suitable nonmilk ingredients.

(25) "Misbranded milk and milk products" means any milk or milk product misbranded as provided by KRS 217.035.

(26) "Official laboratory" means the biological, chemical, or physical laboratory which is under the direct supervision of the department.

(27) "Official methods" means the current edition of the "Official Methods of Analysis of the Association of Official Analytical Chemists".

(28) "Officially designated laboratory" means a designated milk industry laboratory authorized by the department to do official work on producer samples, commingled milk tank truck samples or on milk containers for tests required by the department's administrative regulations or a commercial laboratory officially designated by the department for the examination of producer samples, milk containers or finished products.

(29) "Open date" means the date which shall be affixed on a consumer package or container of Grade A pasteurized milk or milk products subsequent to the date of manufacturing, processing or packaging and which represents the period of time that the product will remain unspoiled and acceptable for consumption when transported, handled and stored under approved conditions.

(30) "Pasteurization or pasteurized" means that every particle of such product shall have been heated in properly operated equipment, approved by the department, to one (1) of the temperatures specified in the table of this subsection, and held continuously at or above that temperature for the specified time (or other time or temperature relationship which has been demonstrated to be equivalent thereto in microbial destruction).

- (a) Milk and milk products (including cheese whey).

Temperature	Time
145°F*	30 minutes
161°F*	15 seconds
191°F	1 second
194°F	0.5 second
201°F	0.1 second
204°F	0.05 second
212°F	0.01 second

*If the dairy ingredient has a fat content of ten (10) percent or more, or if it contains added sweeteners, the specified temperature shall be increased by five (5) degrees Fahrenheit.

(b) Cream for buttermaking.

Temperature	Time
165°F*	30 minutes
180°F*	15 seconds

*If plastic or frozen cream is used for buttermaking, the specified temperature shall be increased by five (5) degrees Fahrenheit.

(c) Frozen desserts and eggnog.

Temperature	Time
155°F	30 minutes
175°F	25 seconds
180°F	15 seconds

(31) "Permit" means permission given by the department to produce, buy, transport, process, store, distribute or sell any milk or milk products or to collect official samples thereof.

(32) "Person" means any individual, plant, operator, partnership, corporation, company, firm, trustee, or association.

(33) "Reconstituted or recombined milk and milk products" means milk or milk products which results from the recombining of milk constituents with potable water.

(34) "Reduced calorie" shall apply to any milk, milk product, cheese or frozen dessert for which a standard of identity exists and whose calorie content has been reduced at least one-third (1/3) lower than a similar food.

(35) "Sanitizing or bactericidal treatment" means the application of an effective sanitizing agent to

a clean surface for the destruction of pathogens and other organisms as far as is practicable. The sanitizing agents used shall comply with the Federal Food, Drug and Cosmetic Act and the administrative regulations of the department.

(36) "Standard methods" means the current edition of the "Standard Methods for the Examination of Dairy Products".

(37) "Sterilization or sterilized" means the complete in-container method of heating the container and contents at a minimum of 212 degrees Fahrenheit for sufficient time and vacuum to give complete destruction to all living organisms.

(38) "3-A sanitary standards and accepted practices" means the standards and practices for dairy equipment formulated by the 3-A sanitary standards committees representing the International Association of Milk, Food and Environmental Sanitarians, the U.S. Public Health Service and the Dairy Industry Committee.

(39) "Transfer station" means any place, premises or establishment where milk or milk products are transferred directly from one (1) transport tank to another.

(40) "Ultrapasteurized" means that such product shall have been thermally processed at or above 280 degrees Fahrenheit for at least two (2) seconds, either before or after packaging, so as to produce a product which has an extended shelf life under refrigerated conditions.

(41) "Unsafe food additives" means any food additive prohibited by KRS 217.045.

Section 2. The following material is integrated by reference:

(1) 21 CFR, Subpart B, Food for Human Consumption Part 113;

(2) "Recommended Practices for Producing Culinary Steam for Processing Milk and Milk Products";

(3) "Grade A Condensed Dry Milk Products and Condensed and Dry Whey, Supplement to the Grade A Pasteurized Milk Ordinance";

(4) "Official Methods of Analysis of the Association of Official Analytical Chemists";

(5) "Standard Methods for the Examination of Dairy Products";

(6) "3-A Sanitary Standards".

(7) A copy of the material is available for inspecting and copying, 8 a.m. until 4:30 p.m. at the Office of the Commissioner, Department for Health Services, 275 East Main Street, Frankfort, Kentucky 40621. (1 Ky.R. 279; eff. 1-8-75; Am. 79; eff. 8-7-84; 13 Ky.R. 543; eff. 10-2-86; 18 Ky.R. 1453; eff. 1-10-92.)